

## **2013 DRAFTING REQUEST**

### **Bill**

Received: **3/1/2013** Received By: **jkreye**  
Wanted: **As time permits** Same as LRB:  
For: **Joan Ballweg (608) 266-8077** By/Representing: **vince**  
May Contact: Drafter: **jkreye**  
Subject: **Elections - miscellaneous** Addl. Drafters:  
Extra Copies: **TKK**

Submit via email: **YES**  
Requester's email: **Rep.Ballweg@legis.wisconsin.gov**  
Carbon copy (CC) to: **joseph.kreye@legis.wisconsin.gov**

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### **Pre Topic:**

No specific pre topic given

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### **Topic:**

Fees for recounts

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### **Instructions:**

See attached

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### **Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P1	jkreye 10/4/2013	jdyer 3/14/2013	phenry 3/14/2013	_____	mbarman 3/14/2013		
/1		jdyer 10/7/2013	jfrantze 10/7/2013	_____	sbasford 10/7/2013	lparisi 10/7/2013	

FE Sent For:

→ Not Needed <END>

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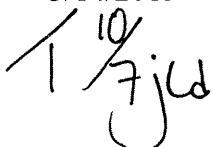

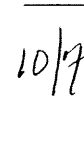
### **Instructions:**

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/P1	jkreye	3/14 jld	3/14 ph	ph/jr			

FE Sent For:

<END>

3-1-13

Vine — Rep Bollweg

266-8077

election law issue

costs of recount elections

trigger based on percentage or who  
pays for the recountlocal clerk says ~ \$5 a count / per wardchange is closer to the actual costs  
reasonable estimate of the  
actual costssee  
9.01(1)(ag) Im. & 2.



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-1768/P1

JK: a:....

Fri  
(cnk)

jld

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

m 3-1-13

D-N

✓  
1

Gen

AN ACT ...; relating to: fees for election recounts. ✓

***Analysis by the Legislative Reference Bureau***

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e  
Currently, any candidate who receives votes in an election and any elector who votes in a referendum may petition for a recount of the votes cast. ✓ If the difference between the votes cast for the leading candidate and those cast for the petitioner or the difference between the affirmative and negative votes cast upon any referendum question is fewer than 10 if 1,000 or fewer votes are cast or not more than 0.5 percent of the total votes cast for the office or on the question if more than 1,000 votes are cast, the petitioner is not required to pay a fee. If the difference is at least 10 votes if 1,000 or fewer votes are cast or more than 0.5 percent but not more than 2 percent of the total votes if more than 1,000 votes are cast, the petitioner must pay a fee of \$5 per ward or \$5 per municipality if a municipality is not divided into wards. ✓ If the difference is more than 2 percent of the total vote cast, the petitioner must pay a fee in an amount equal to the actual cost of performing the recount. ✓

This bill provides that if the difference between the votes cast for the leading candidate and those cast for the (the) petitioner or the difference between the affirmative and negative votes cast upon any referendum question is at least 10 votes if 1,000 or fewer votes are cast or more than 0.5 percent of the total votes if more than 1,000 votes are cast, the petitioner must pay a fee in an amount equal to the actual cost of performing the recount. ✓

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

SECTION 1. 9.01 (1) (ad) of the statutes is amended to read:

9.01 (1) (ad) Upon receiving a petition for a recount, the clerk or body receiving the petition shall ~~calculate any fee due under par. (ag) 1m. or~~ reasonably estimate any fee due under par. (ag) 2. The clerk or body shall provide the petitioner promptly with the ~~total due or~~ estimate.

**History:** 1971 c. 251; 1971 c. 304 s. 29 (2); 1971 c. 336; 1973 c. 313; 1973 c. 334 ss. 23 to 26, 57; 1975 c. 41, 422; 1977 c. 394 s. 53; 1977 c. 427; 1979 c. 200; 1979 c. 260 ss. 66 to 68, 93; 1979 c. 311, 355; 1983 a. 183; 1983 a. 484 s. 172 (3); 1983 a. 538; 1985 a. 304; 1987 a. 391; 1989 a. 192; 1993 a. 213; 1997 a. 27; 1999 a. 49, 182; 2001 a. 16; 2003 a. 265, 321; 2005 a. 149, 451; 2007 a. 1, 96; 2011 a. 75, 115.

SECTION 2. 9.01 (1) (ag) 1. of the statutes is amended to read:

9.01 (1) (ag) 1. If the difference between the votes cast for the leading candidate and those cast for the petitioner or the difference between the affirmative and negative votes cast upon any referendum question is ~~less~~ fewer than 10 if 1,000 or less votes are cast or not more than ~~0.5%~~ 0.5 percent of the total votes cast for the office or on the question if more than 1,000 votes are cast following canvassing of all valid provisional and absentee ballots, the petitioner is not required to pay a fee.

**History:** 1971 c. 251; 1971 c. 304 s. 29 (2); 1971 c. 336; 1973 c. 313; 1973 c. 334 ss. 23 to 26, 57; 1975 c. 41, 422; 1977 c. 394 s. 53; 1977 c. 427; 1979 c. 200; 1979 c. 260 ss. 66 to 68, 93; 1979 c. 311, 355; 1983 a. 183; 1983 a. 484 s. 172 (3); 1983 a. 538; 1985 a. 304; 1987 a. 391; 1989 a. 192; 1993 a. 213; 1997 a. 27; 1999 a. 49, 182; 2001 a. 16; 2003 a. 265, 321; 2005 a. 149, 451; 2007 a. 1, 96; 2011 a. 75, 115.

SECTION 3. 9.01 (1) (ag) 1m. of the statutes is repealed.

SECTION 4. 9.01 (1) (ag) 2. of the statutes is amended to read:

9.01 (1) (ag) 2. If the difference between the votes cast for the leading candidate and those cast for the petitioner or the difference between the affirmative and negative votes cast upon any referendum question is at least 10 if 1,000 or fewer votes are cast or is more than ~~2%~~ 0.5 percent if more than 1,000 votes are cast following canvassing of all valid provisional and absentee ballots, the petitioner shall pay a fee equal to the actual cost of performing the recount in each ward for which the petition requests a recount, or in each municipality for which the petition ~~request~~ requests a recount where no wards exist.

**History:** 1971 c. 251; 1971 c. 304 s. 29 (2); 1971 c. 336; 1973 c. 313; 1973 c. 334 ss. 23 to 26, 57; 1975 c. 41, 422; 1977 c. 394 s. 53; 1977 c. 427; 1979 c. 200; 1979 c. 260 ss. 66 to 68, 93; 1979 c. 311, 355; 1983 a. 183; 1983 a. 484 s. 172 (3); 1983 a. 538; 1985 a. 304; 1987 a. 391; 1989 a. 192; 1993 a. 213; 1997 a. 27; 1999 a. 49, 182; 2001 a. 16; 2003 a. 265, 321; 2005 a. 149, 451; 2007 a. 1, 96; 2011 a. 75, 115.

**1            SECTION 5. Initial applicability.**

2           (1) This act first applies with respect to recounts of elections held on the  
3           effective date of this subsection. ✓

4 (END)

d-note  
↓



**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-1768/P1dn

JK:.....

date

JK  
jld

Representative Ballweg: ✓

Please review this draft carefully to ensure that it is consistent with your intent. ✓

Joseph T. Kreye  
Senior Legislative Attorney  
Phone: (608) 266-2263  
E-mail: joseph.kreye@legis.wisconsin.gov

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

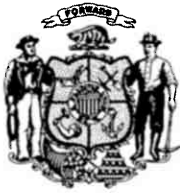
LRB-1768/P1dn  
JK:jld:ph

March 14, 2013

Representative Ballweg:

Please review this draft carefully to ensure that it is consistent with your intent.

Joseph T. Kreye  
Senior Legislative Attorney  
Phone: (608) 266-2263  
E-mail: [joseph.kreye@legis.wisconsin.gov](mailto:joseph.kreye@legis.wisconsin.gov)



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-1768/P1  
JK:jld:ph

RMR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

due Monday  
by 9 AM

re you

- 1 AN ACT *to repeal* 9.01 (1) (ag) 1m.; and *to amend* 9.01 (1) (ad), 9.01 (1) (ag) 1.  
2 and 9.01 (1) (ag) 2. of the statutes; **relating to:** fees for election recounts. ✓

*Analysis by the Legislative Reference Bureau*

Currently, any candidate who receives votes in an election and any elector who votes in a referendum may petition for a recount of the votes cast. If the difference between the votes cast for the leading candidate and those cast for the petitioner or the difference between the affirmative and negative votes cast upon any referendum question is fewer than ten if 1,000 or fewer votes are cast or not more than 0.5 percent of the total votes cast for the office or on the question if more than 1,000 votes are cast, the petitioner is not required to pay a fee. If the difference is at least ten votes if 1,000 or fewer votes are cast or more than 0.5 percent but not more than 2 percent of the total votes if more than 1,000 votes are cast, the petitioner must pay a fee of \$5 per ward or \$5 per municipality if a municipality is not divided into wards. If the difference is more than 2 percent of the total vote cast, the petitioner must pay a fee in an amount equal to the actual cost of performing the recount.

This bill provides that, if the difference between the votes cast for the leading candidate and those cast for the petitioner or the difference between the affirmative and negative votes cast upon any referendum question is at least ten votes if 1,000 or fewer votes are cast or more than 0.5 percent of the total votes if more than 1,000

votes are cast, the petitioner must pay a fee in an amount equal to the actual cost of performing the recount.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

**SECTION 1.** 9.01 (1) (ad) of the statutes is amended to read:

9.01 (1) (ad) Upon receiving a petition for a recount, the clerk or body receiving the petition shall calculate any fee due under par. (ag) 1m. or reasonably estimate any fee due under par. (ag) 2. The clerk or body shall provide the petitioner promptly with the total due or estimate.

**SECTION 2.** 9.01 (1) (ag) 1. of the statutes is amended to read:

9.01 (1) (ag) 1. If the difference between the votes cast for the leading candidate and those cast for the petitioner or the difference between the affirmative and negative votes cast upon any referendum question is less fewer than 10 if 1,000 or less votes are cast or not more than ~~0.5%~~ 0.5 percent of the total votes cast for the office or on the question if more than 1,000 votes are cast following canvassing of all valid provisional and absentee ballots, the petitioner is not required to pay a fee.

**SECTION 3.** 9.01 (1) (ag) 1m. of the statutes is repealed.

**SECTION 4.** 9.01 (1) (ag) 2. of the statutes is amended to read:

9.01 (1) (ag) 2. If the difference between the votes cast for the leading candidate and those cast for the petitioner or the difference between the affirmative and negative votes cast upon any referendum question is at least 10 if 1,000 or fewer votes are cast or is more than 2% 0.5 percent if more than 1,000 votes are cast following canvassing of all valid provisional and absentee ballots, the petitioner shall pay a fee equal to the actual cost of performing the recount in each ward for which the petition

Insert  
3-2

1

requests a recount, or in each municipality for which the petition request requests

2

a recount where no wards exist.

3

**SECTION 5. Initial applicability.**

4

(1) This act first applies with respect to recounts of elections held on the

5

effective date of this subsection.

6

(END)

*Insert A*  
~~court orders the recount to be conducted by another method. The board of canvassers may also determine to recount by hand for only certain wards or election districts.~~

### ***Fees for election recounts***

Currently, any candidate who receives votes in an election and any elector who votes in a referendum may petition for a recount of the votes cast. If the difference between the votes cast for the leading candidate and those cast for the petitioner or the difference between the affirmative and negative votes cast upon any referendum question is at least ten votes if 1,000 or fewer votes are cast or more than 0.5 percent but not more than 2 percent of the total votes if more than 1,000 votes are cast, the petitioner must pay a fee of \$5 per ward or \$5 per municipality if a municipality is not divided into wards. The ~~substitute amendment~~ *Bill* increases that amount to \$25 per ward or \$25 per municipality if a municipality is not divided into wards. *(end ins A)* \*

## ***LOBBYING***

### ***Reporting of attempts to influence legislative action by state agencies***

Current law requires employees and officers of state agencies who attempt to influence legislative action to biennially file a statement that identifies the name of the agency; the name, title, and salary paid to the employee or officer; the amount of time spent on the activity; and the general area of legislative action the employee or officer has attempted to influence. For purposes of this requirement, the statutes define "agency" to mean "any board, commission, department, office, society, institution of higher education, council, or committee in the state government" and certain authorities created under state law, except that "agency" does not include a council or committee of the legislature. This substitute amendment requires the officer or employee to report the number of each introduced bill on which the officer or employee attempts to influence legislative action.

### ***Attempts to influence state procurement decisions***

Under current law, no former state public official, other than a former legislator or legislative employee, may, for compensation, do any of the following on behalf of any person other than a governmental entity for a period of 12 months following the date on which he or she ceases to be a state public official: 1) make any formal or informal appearance before, or negotiate with, any officer or employee of the agency with which he or she was associated as a state public official within the 12 months prior to the date on which he or she ceased to be a state public official; or 2) make any formal or informal appearance before, or negotiate with, any officer or employee of an agency in connection with any judicial or quasi-judicial proceeding, application, contract, claim, or charge which might give rise to a judicial or quasi-judicial proceeding which was under the former official's responsibility as a state public official within the 12 months prior to the date on which he or she ceased to be a state public official. Also under current law, no former state public official, other than a former legislator or legislative employee, may, for compensation, act on behalf of any party other than the state in connection with any judicial or quasi-judicial proceeding, application, contract, claim, or charge that might give rise to a judicial or quasi-judicial proceeding in which the former official participated personally and substantially as a state public official.

~~SECTION #. ARJ 8.06~~

~~8.06 Special elections may be called. Towns, cities, villages, and school districts may call special elections for any purpose whenever such action is authorized or required by law. If an, and may include a call for a special referendum. A special election is called that includes a call for a special referendum, the election shall be noticed under s. 8.55.~~

~~SECTION 44. 8.065~~ of the statutes is created to read:

~~8.065 Scheduling of referendums. (1) In this section, "Local governmental unit" means a political subdivision of this state, a special purpose district in this state, an instrumentality or corporation of such a political subdivision or special purpose district, a combination or subunit of any of the foregoing, or an instrumentality of the state and any of the foregoing.~~

~~(2) Unless otherwise required by law, a referendum held by any local governmental unit that is authorized or required by law to hold a referendum may be held only concurrently with the spring primary, spring election, partisan primary, or general election or with a special election.~~

INSERT  
3-2 → SECTION ~~44.~~ 9.01 (1) (ag) 1m. of the statutes is amended to read:

9.01 (1) (ag) 1m. If the difference between the votes cast for the leading candidate and those cast for the petitioner or the difference between the affirmative and negative votes cast upon any referendum question is at least 10 if 1,000 or less fewer ✓ votes are cast or is more than 0.5% 0.5 percent ✓ but not more than 2% 2 percent ✓ if more than 1,000 votes are cast following canvassing of all valid provisional and absentee ballots, the petitioner shall pay a fee of \$5 \$25 ✓ for each ward for which the petition requests a ballot recount, or \$5 \$25 ✓ for each municipality for which the petition requests a recount where no wards exist. (end ins 3-2)

Insert 3-2

**Basford, Sarah**

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**From:** Rep.Ballweg  
**Sent:** Monday, October 07, 2013 8:53 AM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB -1768/1 Topic: Fees for recounts

Please Jacket LRB -1768/1 for the ASSEMBLY.